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11 UNITED STATES DISTRICT COURT
12
13 NORTHERN DISTRICT OF CALIFORNIA

14 Luis M. RODRIGUEZ,

Case No. cv-13-0551-DMR

15 Plaintiff,

16 v.

17 TIMOTHY AITKEN, et al,

18 Defendants.

**STIPULATION (1) ESTABLISHING
EXTENDED BRIEFING SCHEDULE RE
DEFENDANT SONOMA COUNTY
SHERIFF'S MOTION TO DISMISS FIRST
AMENDED COMPLAINT, (2)
RESCHEDULING HEARING DATE, AND (3)
RESCHEDULING CASE MANAGEMENT
CONFERENCE;AND ~~PROPOSED~~ ORDER**

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27 STIPULATION (1) ESTABLISHING EXTENDED BRIEFING SCHEDULE RE DEFENDANT SONOMA
28 COUNTY SHERIFF'S MOTION TO DISMISS FIRST AMENDED COMPLAINT, (2) RESCHEDULING
HEARING DATE, AND (3) RESCHEDULING CASE MANAGEMENT CONFERENCE;AND PROPOSED
ORDER

Plaintiff Luis M. Rodriguez (Plaintiff), and Defendant Sonoma County Sheriff Steve Freitas (Defendant Freitas), hereby stipulate and respectfully request entry of an order extending the briefing schedule on Defendant Freitas' Motion to Dismiss Plaintiff's First Amended Complaint (Dkt. No. 16) and continuing the hearing thereon. In addition, these parties also request that the Court reset the Initial Case Management Conference, currently set for May 24, 2013, at 10:00 a.m., to occur on or after August 9, 2013 to allow the Court an opportunity to rule on the motion to dismiss prior to conducting that conference and for the purpose of accommodating counsel's schedules. While the other named defendants in this action (i.e., the United States, Timothy Aitken, and K. Legaspi, collectively the "Federal Defendants") are not part of this stipulation, the attorney for the Federal Defendants has consented to this request to reschedule the Initial Case Management Conference. The basis for this stipulation and its terms are set forth as follows.

RECITALS

Plaintiff filed his First Amended Complaint for Damages on March 20, 2013, seeking damages he alleges arise from U.S. Immigration and Custom Enforcement's (ICE) issuance of an immigration detainer and his detention in the Sonoma County jail. On April 3, 2013, Defendant Freitas filed a motion to dismiss all claims against him and a request that the Court take judicial notice of accompanying exhibits (Dkt. Nos. 17-18). The motion to dismiss was noticed for hearing on May 10, 2013, at 10:00 a.m., which date was reserved with the Court's clerk.

Defendant Freitas has agreed to Plaintiff's request for an extension of time in which to file his opposition to the motion to dismiss, to May 17, 2013. In exchange, Plaintiff has agreed to Defendant Freitas' request to provide an extension of the time in which he must file his reply, to May 31, 2013. Such extensions also require rescheduling of the hearing date on the motion to

1 dismiss. Plaintiff's counsel has confirmed with the Court's clerk that the date of June 21, 2013, at
2 10:00 a.m., is currently available for the hearing on the motion to dismiss.

3 This request for an extension of time is based on the scheduling conflicts of Plaintiff's
4 counsel, which prevent counsel from having sufficient time to research and draft a response to
5 Defendant Freitas' motion. These conflicts are briefly summarized as follows: (1) Plaintiff's
6 counsel Matt Adams is on paternity leave until May 2, 2013; (2) due to previously planned travel,
7 Plaintiff's counsel Trina Realmuto will be out of the country from April 11-21, 2013 and has several
8 briefs due before and immediately after her return as well as a previously scheduled speaking
9 commitments on May 2, 2013 and May 3, 2013 and a circuit court oral argument on May 7, 2013;
10 and (3) Plaintiff's counsel Richard Coshnear has three removal (deportation) hearings and briefing
11 due before April 30, 2013 and will be out of the office from May 3-8, 2013 due to previously
12 scheduled travel.
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14 Defendant Freitas' counsel, Deputy County Counsel Anne L. Keck, has disclosed her
15 scheduling and workload conflicts, which include: (1) two Ninth Circuit briefs due on May 20,
16 2013; and (2) she will be out of the country from June 3 through June 15, 2013. No other attorney in
17 the Office of the Sonoma County Counsel, representing Defendant Freitas herein, is familiar with
18 the facts of this case or the attendant law.
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20 Pursuant to the scheduling order issued in this case, the initial Case Management Conference
21 is set to occur on May 24, 2013, at 10:00 a.m. If this request for extension of time is granted, the
22 hearing on the motions to dismiss will not have been held and the Court will not have time to issue a
23 decision on Defendant Freitas' motion by that date. In addition, through a stipulation filed April 9,
24 2013 (Dkt. No. 24), the named Federal Defendants have until May 24, 2013, to file a response to the
25 complaint, which could be a motion to dismiss. Accordingly, because the scope of this case will still
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1 be in limbo, the parties will not have sufficient information on which to base an informed suggestion
 2 regarding discovery scope and dates, pre-trial dates, or trial dates as of the case management date of
 3 May 24, 2013. To conserve the resources of the parties and the Court, the parties to this Stipulation
 4 accordingly request that the Case Management Conference be heard on or after August 9, 2013 to
 5 allow this Court to adjudicate the pending motion to dismiss prior to conducting the conference.
 6 United States Attorney Michael Pyle, representing the Federal Defendants, has verbally indicated his
 7 consent to this requested rescheduling of the Case Management Conference.
 8

9 WHEREFORE, the parties to this stipulation hereby agree and respectfully request entry of
 10 an order as follows:

11 STIPULATION

12 1. Plaintiff shall have through and including May 17, 2013, to file a response to
 13 Defendant Freitas' motion to dismiss;

14 2. Defendant Freitas shall have through and including May 31, 2013, to file a reply
 15 regarding his motion to dismiss;
 16

17 3. The hearing on Defendant Freitas' motion to dismiss shall be rescheduled from its
 18 current date of May 10, 2013, to occur on June 21, 2013, at 10:00 a.m.;

19 4. The Initial Case Management Conference shall be rescheduled from its current date
 20 of May 24, 2013, to occur on or after August 9, 2013, as is convenient to the Court; and

21 5. This stipulation does not preclude the parties from seeking additional relief from this
 22 Court.
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1 Dated: April 10, 2013

2 Respectfully Submitted,

3 By: /s/ Richard Coshnear
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BRUCE D. GOLDSTEIN, Sonoma County Counsel

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By: /s/ Anne L. Keck
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27 STIPULATION (1) ESTABLISHING EXTENDED BRIEFING SCHEDULE RE DEFENDANT SONOMA
28 COUNTY SHERIFF'S MOTION TO DISMISS FIRST AMENDED COMPLAINT, (2) RESCHEDULING
HEARING DATE, AND (3) RESCHEDULING CASE MANAGEMENT CONFERENCE;AND PROPOSED
ORDER

~~PROPOSED~~ ORDER

Pursuant to and in accordance with the foregoing Stipulation, in consideration of the matters raised therein, and for good cause appearing,

IT IS HEREBY ORDERED as follows:

1. Plaintiff shall have through and including May 17, 2013, to file a response to Defendant Freitas' motion to dismiss.
2. Defendant Freitas shall have through and including May 31, 2013, to file a reply regarding his motion to dismiss.
3. The hearing on Defendant Freitas' motion to dismiss shall be rescheduled from its current date of May 10, 2013, at 10:00 a.m., to occur on June 21, 2013, at 10:00 a.m.
4. The Initial Case Management Conference in this case, currently set to occur on May 24, 2013, at 10:00 a.m., shall be rescheduled to occur on August 9, 2013, at 10:00 a.m.

Dated: 04/10/2013

SAMUEL CONTI
UNITED STATES DISTRICT COURT JUDGE

